

BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings  
Section 10-4A-04(c)  
Annotated Code of Maryland  
(1984 Replacement Volume and 1988 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 10 - Attorneys at Law and Attorneys in Fact

39A.

(a) For the limited purpose of obtaining documents to further an ongoing criminal investigation, the State's Attorney may issue, within the county served by the State's Attorney, a subpoena to a person to require the production of telephone, business, governmental, or corporate records or documents.

(b) (1) Such subpoena may be served in the same manner as if issued from a circuit court.

(2) If any person fails to obey such subpoena lawfully served, the State's Attorney may immediately report the disobedience and provide a copy of the subpoena and proof of service to the circuit court of the county in which the State's Attorney serves under § 34 of this article.

(3) The court shall conduct a hearing and may grant appropriate relief after providing the person who allegedly failed to comply with a subpoena an opportunity to be heard and be represented by counsel.

(c) (1) A person has the right to have counsel present during any contact under this section with the State's Attorney or his agents.

(2) The State's Attorney shall advise a person of the right to counsel when the subpoena is served.

(d) For the purpose of this section, "State's Attorney" means the person holding that office under § 7 of Article V of the Maryland Constitution.

(e) Nothing contained in this section is intended to allow the contravention, denial, or abrogation of any privilege or right recognized by law.

Article - Courts and Judicial Proceedings

10-4A-04.